

COMMODITY FUTURES TRADING COMMISSION

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Division of
Enforcement

October 31, 2023

Via CM/ECF

Chambers of Honorable Zahid N. Quraishi
U.S. District Court for the District of New Jersey
Clarkson S. Fisher Building & United States Courthouse
Courtroom 6E
402 East State Street
Trenton, NJ 08608

**Re: CFTC v. Traders Global Group Inc., et al., Case No. 3:23-cv-11808-ZNQ-TJB
(D.N.J.)**

Dear Chambers of Judge Quraishi:

Plaintiff CFTC writes in reference to Exhibit C, and C-1 through C-4 offered in support of its Motion for Statutory Restraining Order and Preliminary Injunction Pursuant to 7 U.S.C. § 13a-1, (Docket Nos. 23, 23-39 thru 23-42).¹

Exhibit C contains the Declaration of Devin Malinowski Pursuant to 28 U.S.C. § 1746, (Dkt. 23-39), (hereinafter, “Malinowski Declaration”), and it refers to four sub-exhibits, Exhibits C-1, C-2, C-3 and C-4, (*see id.* ¶¶ 5, 7–9.) In reviewing the docket, the CFTC discovered that it inadvertently failed to file Exhibit C-4 to the Malinowski Declaration. The CFTC also identified a typo in the Malinowski Declaration at paragraph 7, where it stated that “I downloaded and preserved copies of relevant URLs from the WooCommerce website.” (Dkt. 23-39 ¶ 7.) It should read, “I downloaded and preserved copies of relevant URLs from the WordPress website.”

The CFTC hereto attaches an updated Declaration of Devin Malinowski Pursuant to 28 U.S.C. § 1746, which corrects the typographical error. It also attaches all four of the exhibits referenced therein, namely, Exhibits C-1, C-2, C-3, and C-4.

Finally, the CFTC previously indicated to that Court that it planned to call Mr. Malinowski as a live witness at the November 6, 2023 preliminary injunction hearing. (Dkt 98.) The parties have since met-and-conferred, during which the CFTC informed Defendants’ counsel that the CFTC would be filing this updated Declaration and also explained to Defendants that the scope of Mr. Malinowski’s live testimony would merely cover his Declaration. Given this scope, the parties agreed that it is not necessary for Mr. Malinowski to appear and testify at

¹ The Motion and its exhibits were also filed in redacted form at Docket 33.

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the Preliminary Injunction hearing.

Sincerely,

/s/ Katherine S. Paulson
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